

Members

Sen. Sue Landske, Chairperson
Sen. Marvin Riegsecker
Sen. Vaneta Becker
Sen. Billie Breaux
Sen. Vi Simpson
Sen. Frank Mrvan
Rep. Troy Woodruff, Vice-Chairperson
Rep. William Davis
Rep. Woody Burton
Rep. Russ Stilwell
Rep. Peggy Welch
Rep. Dennis Tyler



INTERIM STUDY COMMITTEE ON PUBLIC HEALTH AND SAFETY MATTERS

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MEETING MINUTES¹

Meeting Date: October 4, 2006
Meeting Time: 10:00 A.M.
Meeting Place: Vincennes University Technology
Center, 1002 N. 1st Street
Meeting City: Vincennes, Indiana
Meeting Number: 2

Members Present: Sen. Sue Landske, Chairperson; Sen. Vaneta Becker; Sen. Billie Breaux; Sen. Vi Simpson; Rep. Troy Woodruff, Vice-Chairperson; Rep. Russ Stilwell; Rep. Peggy Welch; Rep. Dennis Tyler.

Members Absent: Sen. Marvin Riegsecker; Sen. Frank Mrvan; Rep. William Davis; Rep. Woody Burton.

Chairperson Landkse called the meeting to order at 11:06 a.m. Phil Roth of Vincennes University welcomed the Committee on behalf of President Helton.

Coal Mine Safety

Chairperson Landske mentioned that coal mining has been the subject of several different articles, including the September, 2006 issue of Outdoor Indiana and a recent article in the Indianapolis Star on the Black Beauty mine and restoration.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Indiana Commissioner of Labor Miguel R. Rivera, Sr. then spoke; his remarks are attached as Exhibit A. He further stated that Indiana is considered to be in the forefront of mine safety, and that more state mine inspectors would duplicate enforcement of the federal Mine Safety and Health Act. Responding to Senator Breaux, he stated that Indiana has 10 underground mines, with 5 more in planning stages. There are about 3,000 miners in the state, receiving excellent salaries. Representative Stilwell commended Vincennes University for its mine technology program.

Discussion ensued regarding the mine rescue teams that are available in the state. The state has two teams and other teams are available in a crisis from Illinois and Kentucky. Each team would include at least one miner familiar with the mine in which a rescue is being conducted. Larger mines may have a rescue team from their own personnel.

Concerning mine inspectors, Commissioner Rivera voiced concern that if more inspectors were hired, their efforts might duplicate those of the federal inspectors, and the same regulations might be interpreted in two ways. Responding to Representative Tyler, Commissioner Rivera commented that the federal Mine Improvement and New Emergency Response Act (MINER Act) of 2006 addresses communication with miners trapped underground. The MINER Act mandates deadlines for development of one-way and two-way radio systems.

Senator Simpson inquired as to whether the mines are financially contributing to the Vincennes University training. J. Nathan Noland, president of the Indiana Coal Council, stated that there are some scholarships for associate degree training. He stated that there also has been an assessment of the mining companies under IC 22-10-1.5-5 for mine rescue.

Discussion then ensued concerning whether the speaking of English should be a condition of employment in the mines. Commissioner Rivera was of two opinions on the subject. First, he is aware of the safety perspective in an emergency situation, but secondly, he does not want the non-fluency in English to send a message that immigrants are not welcome in the industry.

Commissioner Rivera then introduced Lori Torres, the newly appointed Commissioner of Labor as he leaves the position in two days, and Quin Cheatham, deputy commissioner of Labor, responsible for the INSafe division.

Mr. Noland gave a short overview of coal mining safety in Indiana. Approximately one-third of the mines are underground; Indiana ranks seventh in the country in coal production. Much attention has been drawn to the mining industry since the Sago disaster in January 2006. However, at this time it appears that this was a freak accident and would have occurred regardless of more inspection of that mine. He believes that true mine safety is not interrelated to more inspection. Indiana is the only state that has done a mock disaster drill. He also believes that the pay for the state inspector job is too low. Infrared cameras, two way communication, an expanded amount of emergency air, and handheld radios all are necessary for mine rescue. Mr. Noland distributed a chart to the Committee concerning injury and illness incidence rate (Exhibit B). An Indiana inspection program must expand and not duplicate the federal one.

Mr. Noland introduced Mike Stanley, the manager of the Gibson County Mine, who thanked Commissioner Rivera for his assistance to the coal industry. The Gibson County Mine opened in 2001, and has 285 full-time miners. It is planning a second mine and will need another 250-300 miners. The company is very proud of its safety record; it has a full-time safety staff and its own rescue team, which works in conjunction with the state team.

One of its conditions of employment is adherence to safety standards. Mechanics and electricians are also needed in the mines, and apprenticeship programs also train them.

Chad Berris, Safety Manager of Peabody Coal Company, Midwest, spoke next. He stressed the commitment of the company to safety. It employs over 1300 people in the state, with five surface and two underground mines. He stressed that 95% of injuries do not concern a violation of rules; the company prefers to focus on the actions of work habits, and finds tremendous value in investigating near-miss accidents. He feels that there especially is a need for trained electricians and diesel mechanics in the mines, and many of the skilled workers in southern Indiana are working for Toyota and not available to the mines.

Jeff Worth of Five Star Mining-Prosperity Mine of Petersburg stated that his mine employs 325 persons. They also have an excellent safety record, and have two underground "safe rooms" that can sustain life for three days. Responding to Senator Simpson, Mr. Worth stated that Peabody looks at students' interest, skill, and motivation, and gives internships, assistance in education, or bonuses in some cases.

Tommy Sutton of Triad Mining explained to the Committee the variation in accident rates. He works for a small mine with 54 employees. The formula used to compute injuries is based on the number of work hours, so a smaller mine with only one injury can make the numbers go sky-high. Smaller companies cannot afford to set up their own mine rescue teams, so they need the state to continue its support.

Senator Breaux asked Mr. Noland what incentive is being provided to encourage persons to enter the mining industry. Mr. Noland explained that the Coal Council is going into high schools and encouraging students to think about mining careers. There are some scholarship opportunities, and some mines have tuition reimbursement programs. Senator Simpson asked if the budget should be increased regarding the mine rescue program. Commissioner Rivera stated that the mine safety and Vincennes University programs could be allotted the same amount as in the last cycle; his department does have a "wish list" of potential programs. Senator Simpson asked Commissioner Rivera to get a copy of the wish list to her. Representative Stilwell stated that the rescue teams in other states may be structured differently, but all states that have mines have the teams.

Other Matters; Adjournment

Senator Landske instructed staff of the Legislative Services Agency to prepare three bill drafts, one requiring sprinkler systems in nursing homes, one requiring smoke detectors in the bedrooms of nursing home residents, and one regarding food handling permits. Representative Welch is to work with staff on the third request. Kathy Norris of the Legislative Services Agency stated the Indiana Veterans' Home is close to being sprinklered, and thus language excepting the Home from this requirement will be dropped.

Gary Fritz, a retired coal miner and a federally trained inspector, stated that necessary mine inspections have not been made and records have not been kept properly here in Indiana. He believed that mining law needed to be looked into.

Senator Landske announced that the third and final meeting of the Committee would be held at 10:00 a.m. on October 24, 2006, at the State House, Room 431. The meeting was adjourned at 11:55 a.m.